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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session

Chairperson-Rapporteur: Ms. Halima Embarek Warzazi

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Introduction

1. Upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Economic and Social Council, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member Working Group to review developments in the field of slavery, the slave trade and the slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group was established in 1975 and has met regularly before each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988, the Commission on Human Rights endorsed the Sub-Commission's recommendation that the name of the Working Group should be changed to "Working Group on Contemporary Forms of Slavery".

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

2. The Working Group held its twenty-fourth session from 23 June to 2 July 1999. It held 13 meetings. The session was opened by the representative of the High Commissioner for Human Rights, who made a statement in which he reviewed the activities of the Working Group since its establishment in 1974. He welcomed the fruitful dialogue established between States and the Working Group both on the question of the ratification of the Conventions relating to slavery and on other questions. He also welcomed the participation of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which had enabled the Working Group to receive the testimony of former victims of exploitation or persons working in the field who had daily to deal with situations of abuse and exploitation. The representative of the High Commissioner also recalled the recent adoption by the International Labour Conference of the Convention on the Worst Forms Of Child Labour (No. 182).

3. In accordance with the Sub-Commission decision 1998/109, the composition of the Working Group was as follows: Ms. K. Koufa, Mr. Sang Yong Park, Ms. H.E. Warzazi, Ms. M. Ferriol Echevarría and Ms. A.I. Motoc.

B. Documentation

4. The Working Group had before it at its twenty-fourth session a number of background documents relevant to the issues being discussed, as well as the following documents prepared for the session:

E/CN.4/Sub.2/AC.2/1999/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1999/1/Add.1	Annotations to the provisional agenda

E/CN.4/Sub.2/AC.2/1999/2 and 3	Review of the implementation of and follow-up to the Conventions on slavery: status of the Conventions: note by the Secretary-General
E/CN.4/Sub.2/AC.2/1999/4 and Add.1	Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: note by the Secretariat
E/CN.4/Sub.2/AC.2/1999/5	Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery. Other forms of exploitation: report of the Secretary-General
E/CN.4/Sub.2/AC.2/1999/6	Consolidation and review of the Conventions on slavery: executive summary of the working paper prepared by David Weissbrodt and Anti-Slavery International
E/CN.4/Sub.2/AC.2/1999/15	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography
E/CN.4/Sub.2/AC.2/1999/CRP.1	Consolidation and review of the Conventions on slavery.

C. Election of the Chairperson-Rapporteur

5. At its first meeting, held on 23 June 1999, the Working Group elected Ms. H.E. Warzazi as Chairperson-Rapporteur by acclamation. The Chairperson referred to the decision of the Working Group taken at its previous session to give priority at the current session to the question of traffic in persons. It congratulated the non-governmental organizations which had responded to that decision by organizing consultations on the subject between NGOs and specialized agencies. Notwithstanding a number of marked differences of opinion among the participants, the latter had been able to submit recommendations prepared by consensus. The expert members congratulated them on their spirit of compromise. She reviewed the progress made in certain countries in combating practices such as sex slavery and ill-treatment but also expressed her concern over the persistence of numerous acts of violence against women and children, sexual tourism and other reprehensible practices.

D. Participation

6. The following States Members of the United Nations were represented at the Working Group's meetings by observers: Bahrain, Belgium, China, Cuba,

Ecuador, France, Germany, Indonesia, Japan, Republic of Korea, Mexico, Netherlands, Pakistan, Peru, Philippines, Russian Federation, Spain, Sudan, Syrian Arab Republic, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

7. The following non-member State was also represented by an observer: Holy See.

8. The Office of the United Nations High Commissioner for Refugees was represented by an observer, as were the United Nations Population Fund, the United Nations Children's Fund and the International Labour Organization.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Anti-Slavery International, Coalition Against Trafficking in Women, International Council of Women, Federation International Terre des Hommes, International Fellowship of Reconciliation, International Movement Against All Forms of Discrimination and Racism, International Service for Human Rights and World Federation of Methodists and Uniting Church Women.

10. The Action for Children Campaign, which had supplied information to the Working Group, was represented by observers.

11. The following non-governmental organizations were also represented by observers: African Bureau of Educational Sciences, Casa Alianza, Comité contre l'Esclavage moderne, Centre for Indonesian Migrant Workers, Foundation of Japanese Honorary Debts, Global Alliance against Traffic in Women, International Bureau for Children's Rights, Japan Federation of Publishing Workers' Union, Mouvement pour l'abolition de la prostitution et de la pornographie (MAPP), Network North Against Prostitution and Violence, Network of Sex Workers Projects, NGO Association World Citizen, NGO Group for the Convention on the Rights of the Child - Focal Point on Sexual Exploitation of Children, NGO Liaison Committee on Wartime Sex Slavery and Forced Labour by Japan during World War II for the United Nations, Project Mala and Sanlaap.

E. Adoption of the agenda

12. At the first meeting the Working Group adopted its agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/1999/1).

II. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

13. In accordance with the decision taken by the Working Group at its previous session, this was the first item on the agenda.

14. This subject was taken up by the Working Group following two days of consultations on the traffic in persons, prostitution and the sex industry (21-22 June) between the NGOs, the specialized agencies and the members of the Working Group. Those consultations had revealed the existence of two differing concepts of the traffic in persons and prostitution.

15. It should, however, be recorded that all the participants in the consultations and in the proceedings of the group expressed appreciation of the organization and holding of those consultations and of the priority given by the Working Group to the grave problem of the traffic in persons and prostitution. All were agreed that, notwithstanding the efforts made, those occurrences were unfortunately on the increase. They considered that that situation reflected the inadequacy of the measures adopted and of their implementation. The two schools of thought were also in agreement on the need to protect victims of trafficking and/or prostitution. They also recognized that one of the difficulties encountered in that field was the absence of an international definition of trafficking.

16. Some NGOs considered that the best way of protecting men and women who had taken up prostitution of their own free will was to legalize prostitution, treating it as working-sex. Legalization in that form would permit the recognition and protection of the rights of those sex workers and ensure better conditions of work for them, including medical surveillance and better protection against sexually transmissible diseases, and especially AIDS. In that connection one organization mentioned the experience of Calcutta, where medical surveillance was provided for "prostitutes" or "sex workers"; only 8 per cent of them were seropositive.

17. Among the supporters of legalization some prostitutes who had taken part in the consultations with the NGOS and in the proceedings of the group had stated the importance they attached to recognition of their rights as workers so as to be able to claim and defend those rights. They described the treatment to which they were subjected, which included police raids, torture, acts of violence and discrimination. In their view prostitution was a fact of life and an economic activity and that the priority tasks should be to protect prostitutes, to combat the traffic in persons and to make every possible effort to prevent child prostitution. They also considered that a clear distinction should be established between enforced and voluntary prostitution.

18. They were in favour of an approach which they described as pragmatic, laying stress on the need to combat and condemn the traffic in persons, but at the same time recognizing and protecting the rights of prostitutes. The implementation of legislation penalizing prostitution was adversely affecting the rights of prostitutes, who were already marginalized and suffering from a lack of protection.

19. Another group of NGOS was opposed to any attempt to legalize prostitution. Their view was that no individualr would freely choose to place themselves in a situation where they were exposed to exploitation and abuses. Consequently, the legalization of prostitution would be tantamount to legalizing violence, abuses and the exploitation of others. Not only would such a situation be intolerable, it would also be a retrograde step in the field of protection of the rights of the individual.

20. The opponents of legalization of prostitution reminded the meeting that violence, together with disease, and in particular sexually transmissible diseases (STDs), was a corollary of prostitution. According to certain studies, only 15 per cent of prostitutes had never been infected with an STD. In many cases prostitution was a death sentence. In Burkina Faso 58 per cent

of prostitutes had contracted AIDS; for Kenya the figure was 52 per cent and for Cambodia and Bombay it was 50 per cent. Similarly, 50 to 70 per cent of women who were victims of trafficking in the South East Asian region were infected with the HIV virus.

21. During the discussions the need to protect victims of trafficking and prostitution was regularly referred to. Some organizations considered that no distinction should be made between trafficking and prostitution and that both should be considered as crimes and gross violations of the rights of the individual. Some speakers referred to the link between prostitution by women and the image of women, who were considered to be a negligible factor in society and within the family. In addition, every effort should be made to offer occupational alternatives to women, either as means of prevention or as factors making for rehabilitation.

22. Many speakers insisted on the prime importance of information campaigns designed to inform potential victims of trafficking and prostitution of the recruitment methods resorted to by touts and the dangers and consequences of prostitution. Such campaigns were the key element in any prevention policy.

23. Some organizations observed with concern that reference was increasingly being made to the concept of enforced traffic, with the implication that a voluntary traffic and voluntary prostitution existed. In that context, and in practice, it appeared that victims of trafficking had to prove the use of constraint. That was a difficult task, all the more so as frequently the victims were afraid to give evidence because they were vulnerable and unprotected. Moreover, in certain cases their evidence was invalid if it was established that they had been prostitutes in their countries of origin. It was essential that those elements be taken into consideration in legislation already in force or to be adopted.

24. All legislation designed to penalize prostitution should take into account the need to protect the victims of prostitution and to offer them alternatives and opportunities for rehabilitation. Only traffickers, procurers and other persons deriving profit from prostitution should be penalized.

25. Other participants expressed regret at the recognition of prostitution as an economic activity by the International Labour Organization and considered that recognition dangerous. Their view was that by making a distinction between enforced and voluntary prostitution the ILO was prejudicing efforts to combat prostitution and was encouraging it as an ordinary economic activity. In that connection, the observer from the ILO pointed out that his organization, by the very nature of its mandate, considered prostitution to be an economic activity, but that that view in no way tended to confer legitimacy on prostitution.

26. Some speakers sought to rise above the difference of views to insist on the gravity and scale of trafficking and prostitution. They proposed that the General Assembly should proclaim an international year against trafficking in persons. That year could be followed by an anti-trafficking decade during which States would be encouraged to adopt national action programmes to combat

the traffic in persons. It was suggested that international guidelines be adopted which could serve as a basis for States with a view to the efficient and effective implementation of those action programmes.

27. States should also ensure the introduction of legislation on extraterritoriality to permit prosecution of persons committing crimes in countries other than those of which they were nationals. States were also encouraged to take into account the concept of collective responsibility - in particular that of corporate bodies - so as to be able to prosecute and punish all persons involved in any aspect of trafficking.

28. During the proceedings the effectiveness and relevance of the provisions concerning the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others were discussed. Some participants considered that the Convention did not offer an adequate response to the concrete problems of the present day, particularly with regard to trafficking and the protection given to women victims of trafficking.

29. One member of the Working Group (Mr. Park) observed that the absence of periodic reports from States on the measures taken, notwithstanding an invitation from the Secretary-General, showed that special attention should be given to the implementation of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others and the ratification of the 1949 Convention. Particular assistance should be given to the Special Rapporteur on violence against women in the fields of prevention of trafficking and the protection of its victims; this would be the principal theme of the report he was to submit to the Commission on Human Rights at its fifty-sixth session (2000). The Sub-Commission should strengthen the 1949 Convention by means of a protocol establishing effective surveillance mechanisms and strengthening the ability of the Working Group to combat the traffic in persons in cooperation with the Office of the United Nations High Commissioner for Human Rights.

30. Mrs. Motoc, also a member of the Working Group, recalled that the absence of an international legal definition of traffic and prostitution made any concerted action difficult.

31. Another member of the Working Group (Ms. Koufa) congratulated the non-governmental organizations on the organization of the consultations; the latter had not only enabled the different viewpoints to be brought face to face with one another but had also highlighted elements making for joint action by international civil society.

32. Some participants also referred to the need for the Working Group to pay particular attention to the situation of adolescent girls in prostitution. They were often left out of account because they were deemed to be children rather than adults. UNESCO should examine the question of prostitution and the traffic in women and children, and in particular of adolescent girls, within its programme on education and development.

33. In addition, and in the light of the recommendations adopted by the Group on the misuse of the Internet for purposes of sexual exploitation, other participants considered that the question should be kept under study by the Working Group and by UNESCO.

34. The members of the Working Group, having examined the recommendations which had emerged by consensus from the consultations organized by the non-governmental organizations, decided that they should be reproduced in annex II to this report. They congratulated the organizers of the consultations.

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the Conventions

35. In connection with the consideration of agenda item 4 (a), the Working Group had before it reports on the status of the Conventions on Slavery (E/CN.4/Sub.2/AC.2/1999/2 and E/CN.4/Sub.2/AC.2/1999/3). As had been the case each year since 1991, the Working Group also had at its disposal a list of the countries which had not ratified the Conventions.

36. The Working Group, being still concerned at the slightness of the increase in the number of States which had ratified the 1949 Convention, paid particular attention to the countries which had not yet ratified it. In accordance with a practice established at its nineteenth session, the Working Group invited through the Secretariat representatives of certain States which had not yet ratified the Convention to meet with the members of the Working Group for an informal exchange of views, but with little success.

B. Review of information received regarding the implementation of the Conventions and programmes of action

37. Some participants expressed their concern at the reservations made on the 1949 Convention, particularly as that Convention was being interpreted in a number of ways. One participant referred to the non-ratification of the Convention by the United Kingdom of Great Britain and Northern Ireland and the reasons for that non-ratification. Ratification of that Convention was likely to penalize more acts than were penalized under British law. Ratification of the Convention might be encouraged if the State concerned was able to make minor reservations which would not run counter to the objectives of the Convention.

38. The members of the Working Group noted with regret the small number of replies - only two had been received - concerning the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. It also noted that no replies at all had been received concerning the implementation of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others.

39. At its previous session the Working Group had recalled the large number of international instruments relating to slavery, and in particular the

relevant provisions of those instruments, while continuing to gather information on contemporary examples of slavery-like practices, such as debt bondage, the exploitation of child labour, forced labour, the illicit traffic in migrant workers and the traffic in women and children for purposes of prostitution, expressed concern that contemporary forms of slavery might not be covered in existing international instruments and that no effective monitoring mechanism existed to combat those practices. Accordingly, the Working Group had asked Mr. David Weissbrodt and Anti-Slavery International, in consultation with non-governmental organizations with an established record in that field, to prepare a comprehensive review of existing treaty and customary law covering all the traditional and contemporary slavery-related practices and relevant monitoring mechanisms.

40. In response to that request Mr. David Weissbrodt and Anti-Slavery International had submitted a consolidation and review of the Conventions on slavery (E/CN.4/Sub.2/AC.2/1999/CRP.3). As the document was too long to be translated into the three working languages, the authors of the study had submitted an executive summary (E/CN.4/Sub.2/AC.2/1999/6), which was available to the public.

41. The document, which was presented by Mr. Weissbrodt and the Director of Anti-Slavery International, consisted of a historical review of international efforts to define and prohibit slavery and slavery-like practices. The study revealed that between 1815 and 1957 some 100 international agreements had been adopted relating to the suppression of slavery. Other instruments on the subject had been adopted since 1957. However, it had to be borne in mind that, notwithstanding the large number of instruments prohibiting slavery and slavery-like practices, none had been really effective. In the view of the authors of the study, one of the reasons for that ineffectiveness was the absence of national mechanisms to evaluate the incidence of slavery in the States Parties and the fact that none of the instruments called for mechanisms for the follow-up and implementation of their provisions. The report went on to consider in what way the Working Group could strengthen its contribution to the eradication of slavery. Several options might be envisaged. The first would consist of giving the Working Group a mandate to receive reports submitted by States on the implementation of the provisions of the conventions on slavery and to make recommendations thereon. This option would have the drawback of adding to the reporting burdens of States. Under the second option the Working Group would, on the basis of a procedure it had already applied, define a central thematic issue which would be discussed during its session. The theme should be defined two years before the session in question. The Working Group might even seek the active participation of certain NGOs and Governments which would provide it with information on the selected theme. This more thematic approach would permit better-targeted requests for information and a more rational follow-up of the themes discussed. The third option, in line with a proposal made by the Bureau of the Commission on Human Rights at its fifty-fourth session, would be the replacement of the Working Group by a Special Rapporteur on contemporary forms of slavery.

42. Referring to the proposal of the Bureau of the Commission to abolish the Working Group, Mrs. Ferreol Echavarria, supported by the Chairperson, recalled that, in spite of a lack of understanding of certain innovatory steps taken by

the Working Group, the latter had succeeded in establishing dialogue with the States and in bringing NGOs and Government representatives together to settle delicate problems. Admittedly, the steps taken had not always been to the taste of all States, but they had nevertheless permitted the solution of some problems. However, the members of the Working Group recalled that it was not their function to form a judgement on the proposal of the Bureau of the Commission.

43. In that connection it should be recorded that all the NGOs present expressed appreciation of the activities of the Working Group and drew attention to the importance of that mechanism in their own activities. The Working Group served as a forum for all the organizations and had frequently enabled them to discuss issues - sometimes delicate and potentially explosive ones - with Government representatives. In addition, in response to information on new practices or new forms of exploitation communicated by the NGOs, the Working Group had extended the range of themes it studied, enriching its agenda year by year.

44. The financing by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery of the participation in the discussions of the Working Group of representatives of non-governmental organizations active in the field, and also of former victims of slavery, had enabled the Working Group to receive information on horrifying situations. The precise, sincere and often moving testimony given describing difficult situations which the speakers themselves had sometimes lived through had given the Working Group an eminently human dimension and had enabled it to keep abreast of trends in the fields of exploitation and contemporary forms of slavery. The participants mentioned the testimony of the girl Anita, who had described her horrifying experience to the Working Group the previous year. At age 11 she was caught up in a traffic between Nepal and India; she was sold to a brothel, became a victim of prostitution and was kept a prisoner for two years. In simple and terrifyingly exact terms Anita had described an experience which had marked her for life. Within the framework of the activities of the Maiti (Nepal) organization, financed by the Trust Fund, that girl, who was now suffering from AIDs, had bravely and energetically undertaken a crusade to inform country girls of the recruitment methods resorted to by traffickers and the risks incurred and to help victims recover self-respect and find alternative occupations. It was recalled that, some months after giving her testimony, Anita had received the Swiss Paul Gruninger Prize for human rights militants.

45. The Board of Trustees of the Trust Fund and the Working Group had both played a fundamental role in drawing the attention of the international community to that affair and, indirectly, to the problem of the traffic in persons and child prostitution. In that context the non-governmental organizations present pointed out that a rapporteur was no substitute for the Working Group on this subject.

46. The observer for France said his country would take part in the study of the reform of the machinery with a view to strengthening and developing the mechanisms to protect and promote human rights. His delegation was also aware of the importance the non-governmental organizations attached to having a forum in which to make their views known and engage in dialogue. That point should not be underestimated when considering the future of the Working Group.

47. The representative of Pakistan said he was in favour of maintaining the Working Group. In his delegation's view, the Commission Bureau should consider the proposals for reform in a holistic manner. He pointed out that any assessment of the Working Group's activities should not consist merely of an evaluation of its ability to monitor the instruments relating to slavery. The Working Group was a forum for reflection, analysis and dialogue.

48. The observer for Cuba said that she, too, was in favour of maintaining the Working Group and recalled that it was her delegation which had submitted the draft resolution on the Group's activities to the Commission on Human Rights.

49. In response to an invitation extended by the Working Group on the initiative of Ms. Ferriol Echevarria, Ms. Anne Anderson, Chairperson of the fifty-fifth session of the Commission on Human Rights, attended part of the eleventh meeting of the Working Group, on 30 June.

50. The Chairperson of the Working Group briefly described the development of the Group's activities and its more recent work. She mentioned the Group's dialogue with States that had not yet ratified the conventions on slavery and the emphasis placed on such priority subjects as migrant and domestic workers (in 1997) and traffic in persons and prostitution (at the current session).

51. The Chairperson of the Commission welcomed the opportunity to familiarize herself with the various human rights mechanisms, particularly those produced by the Sub-Commission. The issues considered by the Working Group were crucial and topical. She referred to the proposal made by the Bureau of the fifty-fourth session of the Commission regarding the Group's future. The Commission had decided to study the proposals in detail in an open-ended working group, which she herself would probably chair and which was to meet in September 1999 and February 2000. She hoped that all the decisions would be reached by consensus.

52. The members of the Working Group thanked the Chairperson of the Commission for having accepted their invitation. Ms. Ferriol Echevarría suggested that the Chairperson of the Commission might meet and consult with members of the Sub-Commission concerning the proposals for reform. Such consultations had already been planned.

IV. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING THE STRUGGLE AGAINST CORRUPTION AS A PROMOTING FACTOR OF CONTEMPORARY FORMS OF SLAVERY

53. The phenomenon of corruption is one of today's great problems; it affects societies in different fields and has spread to the highest social spheres in different proportions. It seems to be becoming an inescapable element in the struggle against contemporary forms of slavery. The Working Group considered that as part of its analysis it was essential to consider the role of corruption, analyse it, condemn it and find answers to it.

54. Mr. Park said that the problem of corruption was of the greatest importance and that the Working Group should continue to consider it. He mentioned a number of regional instruments the Group should study.

55. In the course of a general discussion, a number of organizations mentioned the slavery situation in Sudan. A plan to liberate persons held in slavery or captivity devised by one organization was described; that organization paid US$ 50 for each "prisoner". UNICEF condemned this initiative as unacceptable, while opinion among non-governmental organizations was divided. The organization behind the plan explained that its chief concern and priority was to respond to a pressing human, personal situation but that it was not seeking to tackle the root cause of the problem, much less resolve it. It also mentioned the possibility of military activity and movement in the areas where abductions had taken place.

56. In response to the concerns expressed in the Commission on Human Rights, Sudan had established a 12-person committee - the Committee for the Eradication of Abduction of Women and Children - to look into allegations that women had been abducted and children subjected to forced labour or other similar conditions. More recently, in June 1999, an amendment strengthening the legal provisions against discrimination and slavery had been put to Parliament. Some information received nevertheless spoke of "concentration camps", of forced labour, notably in the south of the country, southern Kordofan and southern Darfur, and of abductions occurring despite the creation of self-defence groups by those at risk. The speaker recalled Sudan's invitation to the members of the Working Group to visit the country.

57. The observer for Sudan referred to the country's commitment to combating slavery. Sudan had ratified the relevant instruments and adopted a new criminal law condemning and punishing slavery. He pointed out that some organizations did not really care about human rights but had other, more political, concerns.

58. The discussion with the observer for Sudan, on both the formal and the informal levels, was welcomed as a positive move towards dialogue.

59. Ms. Ferriol Echevarría, supported by the members of the Working Group, expressed the Group's gratitude to all the government representatives who had attended its deliberations for entering into dialogue with the non-governmental organizations and providing the Group with information and clarification on a number of points.

60. One participant noted the persistence of slavery in the so-called rich countries, where poverty could not be given as the justification. The fact that certain countries frequently found themselves in the spotlight was due not so much to the incidence of human rights violations as to other, more political factors.

61. Another speaker stated that the foreign indebtedness and poverty that condemned entire populations to exploitation, forcing women and children into prostitution, pornography and other forms of exploitation, were a contemporary form of slavery to the extent that they made it possible for such reprehensible practices to continue.

A. Economic exploitation

1. Domestic and migrant workers

62. The Chairperson of the Working Group said that, two years earlier, the Group had decided to pay particular attention at each session to the question of migrant workers, in particular domestic workers. She mentioned the decision of the Commission on Human Rights to appoint a Special Rapporteur on the human rights of migrants.

63. For as long as the subject had been on the Working Group's agenda, all the evidence had pointed to the extreme vulnerability of migrant workers, in particular female domestic workers. This year, the Working Group was again being informed of cases of men and women compelled by economic crisis to leave their homes and work abroad. The Group was given specific information on Indonesian women going abroad. In their statements, the women said that they had been forced to sign an agreement not to return home unless they paid a fee. Cases of migrant workers into and out of Malaysia were also described. Illicitly transported on worn-out small boats, many of them died en route. On their arrival, while looking for work, they would fall prey to profiteers of all kinds, frequently ending up crammed into tiny, insalubrious hostels and eventually in the custody of the local police, who would send them home. More often than not, they would leave without money or belongings, and in some cases with debts, having been obliged to borrow money for their return. This was the worst of all humiliations.

64. A number of speakers drew the attention of the Working Group to the extremely difficult situation of female domestic workers. Many of them were not even classed as workers, devoid of all rights, they were subjected to all kinds of abuse. Other organizations described the extremely worrying incidence of abuse of girls in domestic service in embassies. Not only did such girls, most of them minors, live in states of reclusion, but they were further wronged by the fact that their employer had diplomatic status and was therefore immune from punishment. According to one organization working in France, 25 per cent of the victims it helped has been working for diplomats. Their geographical origins varied: the Philippines, Indonesia, Sri Lanka, Benin, Côte d'Ivoire, Mali, Niger, Togo, Eritrea, Sudan and Madagascar. The fact that they were children made these cases all the more worrying. Many of them had been placed there by their parents in the hope that they would be sent to school; others had been handed over by their parents to a creditor or abducted.

65. One organization working in France had drawn up five criteria defining a situation of slavery and exploitation: the confiscation of a worker's identification papers by the employer, the partial or complete imprisonment of the worker; conditions of work and accommodation (15 to 20 hours of work per day, no day off, no rest periods, minimal wages or none at all), breaking of family ties and cultural isolation.

66. The Chairperson said she attached great importance to this question. In some cases, situations of exploitation were overlaid by cultural considerations. The Working Group would continue to examine the question, which affected every area of the world.

Bonded labour

67. Information on bonded labour in the agricultural sector in Nepal was communicated to the Working Group. There were two forms of servitude there today, the Haliya/Haruwa system and the Kamaiya system. The Haliya system was most common in the mountainous regions of Nepal. Workers received a start-up loan, which they had to repay. They worked on their employer's land and were paid for that work. However, the wages they earned from working for the person who gave them the loan were never enough to cover the amount owed, so such agricultural workers then found themselves in debt bondage. Haruwa was more widespread in the lowlands of Nepal. In that system, agricultural workers became indebted to their employer during the period of their contract to work the land. In most cases, they were able to repay the loan if they had a share in any profits from the land. However, the system obliged the agricultural worker's family, notably his wife, to work for the employer for a supplementary wage, particularly during very busy periods. This obligation made it impossible for the rest of the family to go and work elsewhere and earn more. Speakers encouraged Nepal to ratify ILO Convention No. 29 on forced labour and to draw up a legal definition of bonded labour so as to be able to prosecute employers. Anti-Slavery International informed the Group that a delegation would be visiting Nepal in September 1999.

68. The Working Group was also given information on the situation of the Baka pygmies in Cameroon, in particular concerning the children of the tribe. The issues relating to the Baka pygmies were not specific to Cameroon and arose in other countries such as Gabon, Congo and the Central African Republic. That nomad community lived in a situation of economic and social marginalization in relation to the Bantu. Bantu control of property maintained the Baka pygmies in a situation of dependence with no prospects for the future.

69. A number of organizations again raised the question of bonded labour in Pakistan. Despite the fact that in 1989 the Supreme Court of Pakistan had declared bonded labour unconstitutional, the problem still persisted. According to those organizations, enforcement of the legislation against debt servitude had been appallingly lax. Detailed information was provided on the persistence of bonded labour in the brick factories of the Punjab and the agricultural sector of Sind, inter alia. It also appeared that the majority of the bonded labourers released by a special session of the Human Rights Commission of Pakistan had subsequently been abducted once more in raids by industrialists or landowners and put to work again. Apparently agents of the State at the local level were not cooperating sufficiently with those who were trying to put a stop to bonded labour. Property rights seemed to take precedence over human rights.

70. The observer for Pakistan informed the Working Group about recent initiatives taken by his Government to combat bonded labour, in particular child labour. A national non-governmental organization, the Child Care Foundation of Pakistan, had been set up to combat child labour in an effective fashion. Moreover, on 22 October 1998 Pakistan had signed an agreement with the ILO's International Programme on the Elimination of Child Labour (IPEC). The agreement, which related to child labour in the rug-making industry, had been signed as part of the overall goal of eliminating child labour by 2010.

An agreement between ILO, UNICEF and the Sialkot Chamber of Commerce and Industry was currently being implemented in order to eliminate child labour in the football manufacturing industry. Mention was made of other initiatives along the same lines. The observer for Pakistan also pointed out that his country was committed to combating bonded labour, and that it was a crime under Pakistani law. Despite frequent criticism, his Government had never evaded the issue and had always been willing to discuss it on the international stage.

71. A video cassette containing information on bonded labour in Indonesia was submitted for the consideration of the Working Group. The observer for Indonesia pointed out that his country faced serious problems arising from unemployment and poverty and, in particular from the very large number of migrant workers.

72. The Working Group welcomed the useful information provided by the non-governmental organizations and observers involved. In that regard Ms. Motoc welcomed the increasingly important role being played by civil society on the international stage, as exemplified by the active participation of non-governmental organizations in the work of the Group.

Child labour

73. In considering this question, speakers welcomed the recent adoption by ILO of Convention No. 182 on the worst forms of child labour. However, one of the provisions of the Convention was a source of concern to a number of participants. ILO representatives were therefore participating actively in the work of the Group, replying to a number of questions both on the Convention and on other aspects of ILO's work.

74. In considering both the question of traffic in persons and prostitution and that of child labour, a large number of organizations expressed their concern at the fact that prostitution was mentioned among the worst forms of child labour. The recognition of child prostitution as work and as an economic activity was extremely dangerous. The observers for Cuba and Peru said they had had the same misgivings when the Convention was adopted. To consider child prostitution as work or as an economic activity was, in their opinion, legally and ethically inappropriate.

75. The observer for ILO noted that by its mandate the organization dealt with labour. Even though child prostitution constituted abuse of and a crime against children, it was nonetheless an economic activity. For ILO, examining and combating prostitution meant examining and combating a phenomenon that was and always would be an economic activity. The implementation of the new Convention would be monitored in the same way as other ILO instruments. It had the merit of identifying the fight against child prostitution as one of the international community's priorities. To address the question of child prostitution was not to legitimize it. He pointed out that the efficacity of any legal instrument depended entirely on the use that States made of it.

76. The observer for ILO also mentioned the adoption in 1998 of a Declaration allowing ILO to receive reports from States that had not ratified ILO instruments, on the basis of the fundamental principles that guided the

work of the organization: freedom of association and the elimination of forced labour and child labour. Within the programme to eliminate child labour, priority would be given to the implementation of projects based on the application of the provisions of the new Convention.

77. In connection with the traffic in children, the observer for ILO mentioned the IPEC project for the Mekong region. He also welcomed Interpol's continued cooperation.

78. The observer for India said that the worst forms of child labour differed from one region to another, depending on the poverty threshold. Manifestations of poverty could not be considered deliberate abuse of human rights by States. States should adopt national measures aimed at eliminating poverty and the causes of child labour. In the struggle against child labour, ILO standards were not the only ones. All international initiatives should be coherent and multidimensional. He referred to the work being done on the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Lastly, human rights defenders should be more active in striving for the respect and promotion of economic, social and cultural rights.

79. The Working Group was informed about the traffic in children between Asia and Africa and the United Arab Emirates. These children, some of them barely four years old, were used as camel-racing jockeys. To keep them as light as possible, the children were not fed properly, and racing conditions were dangerous. Some of them were known to have been trampled to death during races. The Government of the United Arab Emirates had replied to the organization providing the information, saying that very young boys would continue to be used in camel racing despite the fact that this was illegal. The practice was, however, in decline. The law prohibited children below the age of 14 from taking part in camel racing.

80. The Working Group was informed of the establishment and operation of a school system introduced in 80 villages in India. The schools offered lessons to children in the mornings and allowed them to work in the rug-making industry in the afternoons. This rational, practical approach had the advantage of providing children with a conventional education and balanced meals, while at the same time making it possible for them to contribute financially to the family and obtain vocational training.

4. Forced labour

81. The Working Group was shown a videotape on the persistent use of forced labour by the Government of Myanmar in all major State construction projects. Witnesses spoke of forced recruitment, threats and brutality. The observer for ILO recalled that his organization had submitted a series of documents relating to forced labour in Myanmar to members of the Working Group. The ILO inquiry had brought appalling practices to light. Myanmar was now on the ILO blacklist, was no longer invited to ILO meetings and could claim no technical assistance unless the situation improved.

B. Sexual exploitation

Sexual exploitation of children and work of the Special Rapporteur on the sale of children, child prostitution and child pornography

82. The Working Group was given information on traffic in children for purposes of sexual exploitation, inter alia. Girls in countries such as Namibia, Mozambique and Zimbabwe had been the victims of such trafficking. In Latin America child sex tourism flourished. Traffic in children was spreading, particularly among street children, who were more vulnerable and harder to trace. Mention was made of countries such as El Salvador, Guatemala and Honduras.

83. The most vulnerable populations appeared to be those from less structured societies. Information on traffic in children between Bangladesh and Pakistan and between India and Nepal was brought to the attention of the Working Group. Many of those children were sold to brothels.

84. The observer for Belgium reported to the Working Group on the implementation of the new Ministry of Justice directives on investigating and prosecuting traffic in persons and child pornography. The aim of the directives was to establish a standard framework and criteria for a consistent policy in the field. They were designed, inter alia, to improve the coordination of investigations and prosecutions and to take account of victims' interests.

85. A number of speakers drew the attention of the members of the Working Group to the medical risks connected with child prostitution, and also to the question of early sexual relations. Young people involved in prostitution unquestionably suffered psychological trauma. In physiological terms, sexually transmitted diseases - particularly HIV - were a risk. It had been established that women were more vulnerable and twice as likely to become infected with HIV. Premature pregnancies were another common occurrence with significant psychological and physical consequences. The use of rape of women, and particularly of girls, as a weapon of war was also mentioned.

86. New information on traffic in children in eastern and central Africa was once again communicated to the Group. The latest information revealed that there were various types of trafficking: children might be abducted and sold for sexual or other services, or they might be placed with employers, the wages normally due to the children being paid to the traffickers. Trafficking occurred within a country (between countryside and city) and between countries of a region, even including Europe; some of the children ended up as domestic workers in countries such as France. The victims were taken from Benin, Burkina Faso, Ghana, Mali, Nigeria and Togo to Benin, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon and Nigeria. Steps had been taken to establish regional cooperation; but it was clear that it needed reinforcing. Intergovernmental organizations had also risen to the challenge presented by the traffic in children in the region.

87. In a letter dated 30 June 1999 to the Chairperson of the Working Group, Gabon described the initiatives it had taken to combat such traffic, including the establishment of a joint committee composed of the ministries concerned

and representatives of the countries of origin and transit; the systematic and firm enforcement of legal provisions against those engaging in traffic and abuse of children; the finalization, with the aid of the International Programme on the Elimination of Child Labour (IPEC), of the national plan to combat child labour; and the establishment of a Benin-Gabon think-tank on the elimination of traffic in and ill-treatment of Beninese children in Gabon.

C. Other forms of exploitation

1. Illegal activities of certain religious and other sects

88. One speaker mentioned the danger presented by certain cults that had brought about the deaths of their members. However, he believed that the Working Group should approach the issue with caution.

89. The Chairperson referred to a letter sent to the members of the Working Group by one of those sects. She said the Group was proceeding cautiously, but it nevertheless judged the issue to be sufficiently important and serious to remain under consideration. She urged participants to press on with their inquiries and to submit information to the Working Group.

2. Illegal and pseudo-legal adoptions aimed at exploitation of children

90. A participant informed the Working Group that the United Kingdom Government had enacted a law on adoption incorporating the provisions of the Hague Convention on intercountry adoption. He urged countries to take steps to implement the provisions of the Hague Convention.

91. Mr. Park mentioned the recommendation made by the Special Rapporteur on the sale of children, child prostitution and child pornography regarding the creation of a regional and international register of adopted children. The recommendation warranted serious consideration by the Working Group at its next session.

3. Traffic in human organs and tissues

92. A videotape containing information on traffic in organs involving children and adults was presented to the Working Group. The information referred to Latin American countries (notably Argentina) and Russia. The video included data from an inquiry conducted in collaboration with the BBC; a large number of doctors and members of governments had agreed to answer the various questions. According to the report, the information was serious enough to prompt the authorities of some countries to initiate police inquiries. The Working Group was urged to monitor the outcome of the inquiries.

93. The Chairperson of the Group noted that the serious nature of the information on the videotape justified the Working Group's decision to consider the issue, despite information denying that such traffic took place.

4. Slavery-like practices in armed conflicts

94. Participants were reminded of the seriousness of the situation regarding the use of children in armed conflicts. No peace treaty had ever recognized the existence of children pressed into combat or offered them a means of social rehabilitation and reintegration. Mr. Park mentioned the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. The aim of the protocol was to raise the age at which children could engage in armed conflicts to 18; it should be adopted very soon.

95. One speaker drew the attention of the Working Group to the rape and sexual exploitation of women and children as a weapon of war and of ethnic cleansing in armed conflicts; these amounted to crimes against humanity. She said that the priority should be to translate principles of international and humanitarian law into concrete measures applicable to the everyday reality of armed conflicts.

96. The issue of Japanese military sexual slavery during the Second World War was raised once again. The Working Group was asked to support the initiative to establish a United Nations truth and reconciliation commission, under the aegis of the Sub-Commission, which would be able to deal authoritatively with the issue of "comfort women". The commission should recommend publication of all documents relating to the military sexual slavery perpetrated by the Japanese Government, the public testimony of the victims and the perpetrators' admission of responsibility, public apologies by the Government and acknowledgement of its legal and moral liability and, lastly, financial compensation to the victims.

97. The Chairperson recalled that the Working Group had paid particular attention to this question during previous sessions and had spared no effort to bring the parties together and pave the way for a just and equitable solution. She felt that the results of the Group's work were very satisfactory and that it was now necessary to concentrate on the serious problems and large-scale abuse of women in contemporary conflicts.

V. ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

98. In the context of its consideration of the situation of the Voluntary Trust Fund on Contemporary Forms of Slavery, the Working Group had before it the report of the Secretary-General on the Voluntary Trust Fund (E/CN.4/Sub.2/AC.2/1999/4).

99. Thanks to the contributions received, as detailed in the aforementioned document, the Board of Trustees of the Trust Fund had been able to grant financial assistance to 10 non-governmental organizations for travel and participation in the work of the Group, as well as to 2 other organizations that had not previously received financing. Since they were active in the field and acquainted with the daily reality, their testimony was extremely useful to the Group. The subjects raised by those organizations were many and varied: sexual exploitation of children and slavery-like practices in armed conflicts, child labour in the Indian rug-making industry, trafficking in

persons for the purposes of sexual exploitation, the traffic in organs and illegal adoptions in Central America, trafficking in women and children in southern Asia, prostitution and trafficking in persons in Nordic countries, the situation of domestic workers in France, prostitution and sexual exploitation in Ukraine and the situation of the Baka pygmies in Cameroon.

100. All the participants welcomed the presence of these organizations, which brought a practical, human dimension to the work of the Group and enabled it to keep abreast of the realities.

101. The Chairperson of the Board of Trustees of the Trust Fund welcomed the development of a tendency within the United Nations to give women and organizations in the field a somewhat greater voice. He recalled the fundamental role the Fund was playing in that area. He notified the Working Group of the forthcoming consultations with the World Bank, aimed at making it more aware of the activities of the Fund and the Group.

102. Ms. Matveeva, a member of the Board of Trustees, noted the difficulties the Fund had faced in fulfilling its mandate. She thanked donors and appealed to those who received assistance from the Fund to give as much detail as possible in the information they provided in their applications for assistance. She described how important it was for victims to be able to give evidence directly to the Group.

VI. RECOMMENDATIONS ADOPTED AT THE TWENTY-FOURTH SESSION

A. General considerations

103. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, is a violation of basic human rights.

104. A review of the information provided to the Working Group showed that despite the progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered as a matter of priority the questions of trafficking in persons and the exploitation of the prostitution of others, as well as the status of the conventions on slavery. It also considered child and bonded labour; sexual exploitation, especially of children and migrant and domestic workers; sexual violence during wartime and; the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

105. The Working Group welcomed the participation of government representatives and the increased number of non-governmental organizations in its session, and thanked them for their valuable contributions to its work. It noted with appreciation the contribution of the representative of the International Labour Organization. It welcomed the attendance by a representative of UNFPA and encouraged such participation at its future sessions. The Working Group encouraged UNICEF to participate and contribute substantively to its proceedings. In order to enrich the debate, the

Working Group reiterated the hope that representatives of UNESCO and WHO, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, would also attend its future sessions.

106. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted.

B. Recommendations

107. The following recommendations were adopted by the Working Group at its twenty-fourth session.

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twenty-fourth session to an overall evaluation of various contemporary forms of slavery,

1. Expresses its gratitude to all participants for information relating to all forms of exploitation;

2. Considers that poverty and ignorance are the main causes of contemporary forms of slavery, and urges the United Nations specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

3. Considers also that it is necessary for all specialized agencies dealing with certain forms of contemporary forms of slavery to cooperate and coordinate their activities with the Working Group in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations;

4. Considers further that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, various United Nations organs and bodies and the legal instruments dealing, directly or indirectly, with issues relating to contemporary forms of slavery;

5. Welcomes the important role that non-governmental organizations play in raising the awareness of the public at the national and international levels as to the grave consequences of contemporary forms of slavery on women and children;

6. Again requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices,

trafficking in persons and exploitation of the prostitution of others, as well as the activities of the Working Group on Contemporary Forms of Slavery in this field, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat.

2. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also that the Trust Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

1. Expresses its gratitude to Governments and individuals who have contributed to the Fund and encourages them to continue doing so;

2. Expresses its appreciation for the participation at the twenty-fourth session of the Working Group of representatives of ten non-governmental organizations financed by the Fund and for their valuable contribution to the work of the Working Group;

3. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

4. Urges all Governments, non-governmental organizations, other private or public entities and individuals to contribute to the Fund in order to enable it to fulfil its mandate effectively;

5. Expresses its deep appreciation for the participation of the members of the Board of Trustees who attended the twenty-fourth session at their own expense, and invites them to participate at the twenty-fifth session of the Working Group;

6. Decides to continue to examine the situation and the activities of the Trust Fund at its twenty fifth session.

3. Traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,

Bearing in mind the Convention of 1949 on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others which, inter alia, underlines that prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women requires States parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women,

Recalling also that the Convention on the Rights of the Child requires States parties to take measures to prevent the sale of or traffic in children for any purpose or in any form, as well as the exploitative use of children in prostitution, pornography or other unlawful sexual practices,

Welcoming General Assembly resolution 53/116 and Commission on Human Rights resolution 1999/40 on traffic in women and girls,

Welcoming also the strengthened commitment of the Office of the High Commissioner for Human Rights to combat trafficking in persons,

Noting that the General Assembly, in resolution 53/111, decided to establish an open-ended intergovernmental ad hoc committee for the purpose of drafting a comprehensive international convention against transnational organized crime and of discussing the elaboration, inter alia, of an international instrument addressing trafficking in women and children,

Recalling the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) approved by the Commission on Human Rights in its resolution 1996/61,

Acknowledging the report of the Special Rapporteur on the sale of children, child prostitution, and child pornography (E/CN.4/1999/71 and Add.1) to the Commission at its fifty-fifth session, particularly the special focus on the sale and trafficking of children,

Alarmed at the rapid expansion of the global sex industry and of associated gross violations of human rights, particularly in relation to women and children,

Deeply concerned that the global sex industry has taken new and pernicious forms, including sex tourism, mail order brides, child pornography and trafficking in persons, in particular via the Internet,

Recognizing that women and children from developing countries and countries in economic transition are especially vulnerable to the phenomena, particularly minorities, refugees, migrants, indigenous peoples and other groups that are systematically subjected to discrimination and racism,

Concerned at the information provided in personal testimony during sessions of the Working Group on Contemporary Forms of Slavery by former trafficked persons and persons engaged in prostitution about the abuse they have suffered,

Convinced of the urgent need to adopt immediate and effective measures to combat the traffic in persons and the global sex industry,

1. Urges Governments which have not yet done so, to ratify the Convention of 1949 on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

2. Recommends that the General Assembly declare a United Nations year against trafficking in persons, allowing sufficient time before the commencement of the year for the development of national and international plans of action;

3. Urges States to devise and adopt comprehensive national plans of action against trafficking in persons, particularly for the purposes of prostitution, based on data collection, research and analysis, and in collaboration with non-governmental organizations, which should include, inter alia, the following:

(a) Measures to support the plan through the allocation of necessary financial and human resources;

(b) Legislative and administrative measures to address the root and immediate causes of trafficking, prostitution and exploitation of the prostitution of others;

(c) The adoption and enforcement of measures against new practices of the global sex industry, especially sex tourism, trade in mail order brides and trafficking in women and children, in particular through the Internet;

(d) Measures to ensure systematic and periodic review of the plans;

4. Requests the Office of the High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan;

5. Urges States to ensure that their national development policies do not intensify the marginalization of women and place them at risk of sexual exploitation;

6. Encourages States to enact or revise national policies, laws and strategies and other administrative measures in order to ensure that victims of sex trafficking and other practices of sexual exploitation are not the subject of criminal proceedings or other legal or administrative sanctions;

7. Strongly recommends to States to ensure the effectiveness of the rule of law, to fully apply legal and judicial procedures, and to prosecute and penalize the criminals involved in trafficking in women and children;

8. Invites States to take steps, including witness protection programmes, to enable trafficked persons to make complaints to police and to be available when required by the criminal justice system, and to ensure that during this time they have access to social, medical, financial and legal assistance, and to protection, as requested;

9. Encourages States to ensure the voluntary and safe return of trafficked persons;

10. Calls upon States to provide social services to the victims and survivors of trafficking including shelter, counselling, medical care, legal services, education, job training and employment, and to take measures to prevent discrimination against and stigmatization of these victims;

11. Urges States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;

12. Encourages Governments, in elaborating the draft convention against transnational organized crime, including a draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, fully to include a human rights perspective and to take into account work being done in other international forums, particularly the working group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of the Commission on Human Rights and the Working Group on Contemporary Forms of Slavery;

13. Calls upon treaty bodies such as the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Elimination of Racial Discrimination to focus on States' practices and legislative and administrative measures in relation to traffic in persons and victims of prostitution when examining States' parties reports;

14. Invites the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to trafficked persons, in particular for purposes of prostitution;

15. Welcomes the intention of the Special Rapporteur on violence against women to focus her report to the fifty-sixth session of the Commission on Human Rights on the issue of trafficking in women;

16. Urges the Inter-Agency Committee on Women and Gender Equality to prioritize the issue of trafficking in persons, prostitution and the global sex industry as part of the integrated follow-up to the Fourth World Conference on Women;

17. Decides to examine, as a matter of priority, the issue of trafficking in persons, with the active participation of non-governmental organizations and trafficked persons, in preparation for the United Nations year against trafficking in persons, during its twenty-sixth session in 2001;

18. Encourages all States, United Nations bodies, specialized agencies, international and regional organizations and interested non-governmental organizations to participate actively in the debate on trafficking in persons, prostitution and the global sex industry;

19. Expresses its appreciation for the contribution of non-governmental organizations to the work of the Working Group and encourages them to participate actively in the Working Group's deliberations on trafficking in persons.

4. NGO consultation on trafficking in persons, prostitution and the global sex industry

The Working Group on Contemporary Forms of Slavery,

Convinced that traffic in persons and prostitution are incompatible with the dignity and worth of the human person,

Concerned that numerous and pernicious manifestations of trafficking and related practices of sexual exploitation have arisen since the adoption of the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Recognizing that sex trafficking, sex tourism, sexual exploitation on the Internet and the exploitation of the prostitution of others are interrelated practices of gender discrimination that often constitute contemporary forms of slavery and usually involve serious violations of human rights,

Recalling the decision taken by the Working Group to examine, as a matter of priority and with the active participation of non-governmental organizations, the issue of the traffic in persons and the exploitation of the prostitution of others during its twenty-fourth session,

Recalling also the initiative of non-governmental organizations to organize, without financial implications for the United Nations, a seminar on the issue of the traffic in persons and the exploitation of the prostitution of others, to take place immediately prior to the debate on the issue during the twenty-fourth session of the Working Group,

1. Congratulates Anti-Slavery International, the Coalition against Trafficking in Women, the International Human Rights Law Group and the International Movement against All Forms of Discrimination and Racism for having organized, immediately prior to the twenty-fourth session of the Working Group, a consultation with the United Nations and intergovernmental organizations on trafficking in persons, prostitution and the global sex industry, and for the fruitful dialogue among the various schools of thought and groups;

2. Welcomes the outcome of the consultation and the consensus recommendations which are attached to the report of the Working Group on its twenty-fourth session (E/CN.4/Sub.2/1999/17, annex II);

3. Encourages the non-governmental organizations to continue this dialogue and the sharing of information for better protection and promotion of the rights of trafficked persons, persons engaged in prostitution and victims of the global sex industry.

5. Prevention of trans-border trafficking of children in all its forms

The Working Group on Contemporary Forms of Slavery,

Considering that trans-border trafficking is a major conduit for the exploitation of children,

Convinced that trans-border trafficking of children for any form of exploitation is incompatible with the dignity and worth of the human person,

Recognizing that poverty, illiteracy, harmful cultural practices and, above all, the low status of women and girls in society contribute to their being sexually exploited,

Recognizing also that there is an urgent need for the international community, particularly Governments, to take effective measures to suppress trans-border trafficking of children and to extend full protection to them,

Concerned at information according to which several types of trafficking of children regularly take place between the countries of Central and West Africa, and at the extensive nature of this problem in the region,

1. Invites States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner the new Convention (No. 182) on the Worst Forms of Child Labour of the International Labour Organization;

2. Calls upon States to take action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

3. Considers that States of the Central and West African region should be encouraged and supported in their efforts to draft and enforce relevant domestic legislation and to promote birth registration, in order to establish where the trafficked children come from and to facilitate their return;

4. Encourages cooperation among the concerned States, as well as with international agencies and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

5. Also encourages strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization, responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children.

6. The role of corruption in the perpetuation of slavery and slavery-like practices

The Working Group on Contemporary Forms of Slavery,

Aware of the negative impact of corruption on the full enjoyment of all human rights and fundamental freedoms,

Convinced that corruption at different levels contributes in most cases to the continuation of slavery and slavery-like practices,

Considering that those who perpetuate and continue slavery and slavery-like practices use illegal means to capture and control the victims of slavery,

Concerned that when the rule of law is perverted, the enforcement of any law against slavery or slavery-like practices may cease to produce positive results,

Noting that information received from both non-governmental organizations and experts clearly identifies corruption as playing a role in the continuation of slavery and slavery-like practices,

1. Urges all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

2. Also urges States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes;

3. Encourages existing international arrangements which aim to improve the training and professionalism of law enforcement personnel as well as their respect for human rights;

4. Decides to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices;

5. Also decides to continue to examine this matter at its twenty-fifth session.

7. Misuse of the Internet for the purpose of sexual exploitation

The Working Group on Contemporary Forms of Slavery,

Acknowledging that the Internet is a valuable medium of communication,

Recognizing, however, that the Internet is the most unregulated communications network in the world with new technologies that present difficult challenges to national and international regulation and enforcement,

Alarmed that multiple forms of sexual exploitation, such as prostitution, sex tours bride trafficking, pornography, live sex shows and rape videos for sexual entertainment, are promoted on the Internet, that the Internet is now the preferred site for the promotion of mail order brides, and that the Internet offers multiple forums in which the trafficking, prostitution and sexual exploitation of women and children are promoted,

Noting that the scope, volume and content of the material on the Internet promoting or enacting the trafficking, prostitution and sexual exploitation of women and children are unprecedented,

Aware that the content of some material on the Internet, such as men's sex tour diaries, incriminate men in acts of rape and enslavement of women and g. ls for the purposes of sexual gratification and domination,

Emphasizing that many of the practices of sexual exploitation on the Internet are characterized by domination, control and violence so extreme as to constitute slavery, serious violations of human rights and forms of sex discrimination,

Convinced that prostitution and the traffic in persons are incompatible with human dignity and well-being and that practices of the exploitation of the prostitution of others and trafficking in persons are incompatible with human rights,

Acknowledging that the women and children subjected to sexual exploitation on the Internet are often from countries suffering, inter alia, from poverty and armed conflicts and that the men using the Internet for the purposes of sexually exploiting women and children are often from developed countries,

Noting that the traffic in persons and the exploitation of the prostitution of others are highly profitable and illegal, and that those activities are increasingly being carried out by organized crime syndicates,

Convinced that heightened awareness of the harm to women and children of sexual exploitation together with the political will to combat this harm will significantly reduce the extent of trafficking, prostitution and sexual exploitation on the Internet,

Noting with interest the adoption of the Declaration and Action Plan on Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet by an expert meeting convened in Paris on 18 and 19 January 1999 by the United Nations Educational, Scientific and Cultural Organization,

1. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children;

2. Recommends also that Governments and non-governmental organizations undertake further investigation of the misuse of the Internet for the purpose of promoting and/or carrying out trafficking, prostitution and the sexual exploitation of women and children;

3. Urges Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation on the Internet;

4. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking, prostitution and sexual exploitation on the mental and physical well-being of women and children;

5. Requests Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

6. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry, and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation.

8. Implementation of the conventions on slavery

The Working Group on Contemporary Forms of Slavery,

Bearing in mind the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights,

the International Covenant on Economic, Social and Cultural Rights and article 8 of the International Covenant on Civil and Political Rights, which provide that no one shall be held in slavery or servitude,

Reaffirming that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,

Noting with concern that out of 185 States Members of the United Nations, only 72 have ratified the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; 118 have ratified the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; 141 have ratified the International Covenant on Economic, Social and Cultural Rights; and 144 have ratified the International Covenant on Civil and Political Rights,

Concerned that there has not been universal ratification of the treaties forbidding slavery and slavery-like practices,

Concerned also that the principal treaties prohibiting slavery and slavery-like practices lack an effective treaty monitoring mechanism and related procedures,

Recalling that the Economic and Social Council, in its decision 16 (LVI), authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a working group to review developments in the field of slavery and the slave trade in all their practices and manifestations, and that the Sub-Commission consequently in 1975 established the Working Group,

Recalling also Sub-Commission resolution 1974/11 in which it requested concerned Governments, the specialized agencies, regional intergovernmental organizations, and non-governmental organizations in consultative status and individuals to submit to the Secretary-General for transmission to the Working Group reliable information on slavery and the slave trade in all their practices and manifestations, the traffic in persons and the exploitation of the prostitution of others as may be available to them,

Recalling further Commission on Human Rights resolution 1993/27 encouraging the Sub-Commission, including its Working Group on Contemporary Forms of Slavery, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on Slavery on the basis of the study prepared by the Secretary-General on that issue (E/CN.4/Sub.2/1989/37),

Recognizing the need to improve the monitoring of compliance with the various human rights treaties prohibiting slavery and slavery-like practices as well as to encourage Governments to fulfil their obligations to abolish all forms of slavery,

Taking into account and welcoming the thorough review of international standards relating to slavery prepared by Mr. David Weissbrodt and

Anti-Slavery International as well as the executive summary thereof (E/CN.4/Sub.2/AC.2/1999/6), submitted to the Working Group at its twenty-fourth session,

Recalling its decision taken in 1998 that debt bondage will be its primary focus at its twenty-fifth session in 2000,

1. Recommends that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Convention of 1949 for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

2. Urges all States to ensure and protect the right to be free from slavery by creating and enforcing laws which prohibit slavery in all its forms;

3. Decides to focus each of its annual sessions on a particular issue of great importance for the abolition of slavery and to designate that issue two years prior to the annual session at which it will be discussed;

4. Expresses the hope that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the issue selected;

5. Decides to invite non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

6. Also decides that during its annual sessions the Working Group will review the written and oral information submitted and will engage in an exchange of comments and views with Governments and intergovernmental and non-governmental organizations;

7. Further decides that if other issues arise within its agenda which the Working Group considers to be urgent, such issues will be allotted time for their consideration at each session;

8. Invites the authors of the review of international standards to update the review and submit it to the Sub-Commission for its consideration and eventual transmission to the Commission.

9. Migrant workers

The Working Group on Contemporary Forms of Slavery,

Noting the adoption by the International Labour Organization of the Convention (No. 182) on the Worst Forms of Child Labour,

Recalling the adoption by the General Assembly, by its resolution 45/158, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Noting that migrant workers are frequently subject to discriminatory rules and regulations which undermine their human dignity, including being forced to live separately from their spouses and their minor children, sometimes for extended periods, and that they are often victims of violence, racism and xenophobia,

Noting also, in particular, cases of migrant domestic workers who are unpaid, subjected to various abuses and deprived of all their rights,

Welcoming Commission on Human Rights resolution 1999/44 in which the Commission decided to appoint a Special Rapporteur on the human rights of migrants,

1. Decides to continue to give particular attention to the situation of migrant workers, in particular domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

2. Takes note of the difficult situation in which migrant workers, especially women and children, are living and of the need for them to be provided protection with a view to ensuring their fullest human development and participation in the life of their community;

3. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

4. Also urges States to take necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;

5. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

6. Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

7. Recommends that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider this issue at its fifty-first session.

10. Child domestic workers

The Working Group on Contemporary Forms of Slavery,

Recognizing the persistent human rights abuses inherent in the practice of exploiting children as domestic servants,

Recognizing also that the practice of exploiting children as domestic servants often violates the Universal Declaration of Human Rights, the

Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization,

Concerned at increasing information on abusive treatment of girls and women domestic workers,

Concerned also that the issue of domestic child workers has not been addressed effectively at the international level,

Regretting that Convention No. 182 does not pay due attention to the situation of child domestic workers,

1. Urges States, while attempting ultimately to eliminate the phenomenon of child domestic labour, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour is not exploited;

2. Recommends that the International Labour Organization give more emphasis to the issue of child domestic workers;

3. Also recommends that the International Labour Organization establish additional country programmes for these children within its International Programme on the Elimination of Child Labour;

4. Expresses its deep appreciation to the Governments which have generously contributed to the International Programme on the Elimination of Child Labour and calls upon all Governments to make additional contributions to the Programme.

11. Child labour - a gender perspective

The Working Group on Contemporary Forms of Slavery,

Recalling once again that all forms of work performed by girls, although of high economic value, are often hidden, uncounted, unpaid, unseen and not regarded as work,

Taking note of the information from the United Nations Children's Fund and the International Labour Organization that if the domestic work of girls were counted, more girls would be found to be working than boys,

Noting with concern that the invisibility of all forms of work performed by girls often leads to a life cycle of low self-esteem and status,

Deeply concerned about the cultural acceptance of very young girls working as domestic servants and their deprivation of educational opportunities, and that the hidden nature of their work makes them vulnerable to sexual abuse,

1. Welcomes the new international Labour Convention (No. 182) on the Worst Forms of Child Labour, 1999;

2. Notes the special mention of the situation of girls in article 7, paragraph 2 (e) of the Convention (No. 182);

3. Calls upon States to eliminate all discrimination against girls in education, skills development and training;

4. Requests States to enforce laws and regulations which ensure that no girl of primary-school age is employed as a domestic;

5. Invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls.

12. Eradication of bonded labour and elimination of child labour

The Working Group on Contemporary Forms of Slavery,

Underlining the interest in the problem of debt bondage long demonstrated by the Working Group,

Recognizing that debt bondage is specifically forbidden by the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Recognizing also that some 20 million people are still held in debt bondage around the world,

Concerned that the issue of debt bondage has not been addressed effectively at the international level,

Aware that existing laws against and international agreements concerning debt bondage are not being implemented effectively,

Concerned at the persistence of the exploitation of child labour and debt bondage, and aware of the necessity of combating these phenomena,

Having considered the information submitted by States, specialized agencies and non-governmental organizations,

Noting with satisfaction the progress achieved in certain countries by the International Programme on the Elimination of Child Labour launched by the International Labour Organization and the initiatives taken by States in order to combat child bonded labour,

Welcoming information given by the representative of Pakistan on the recent initiatives taken by his Government to combat child bonded labour,

1. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

2. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29), the Minimum Age Convention, 1973 (No. 138) and the new Worst Forms of Child Labour Convention, 1999 (No. 182);

3. Calls for international cooperation in order to assist States concerned in their struggle against bonded labour;

4. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and report thereon to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights at their next sessions;

5. Urges States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible;

6. Also urges States to ensure the rehabilitation of the victims of debt bondage through economic, social and educational programmes;

7. Recommends that the countries in which debt bondage occurs be invited to attend the Working Group in order to facilitate dialogue and the consideration of best practice;

8. Invites the International Labour Organization, the World Bank, the International Monetary Fund, the World Trade Organization and other international bodies to consider debt bondage when they establish their policies;

9. Recommends once again that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violation of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

10. Invites international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage;

11. Decides that bonded labour and debt bondage will be its primary focus at its twenty-fifth session in 2000.

13. Forced labour

The Working Group on Contemporary Forms of Slavery,

1. Reaffirms once again that forced labour is a contemporary form of slavery;

2. Decides to continue to give consideration to this issue at its next session.

14. Sale of children, child prostitution and child pornography

The Working Group on Contemporary Forms of Slavery,

Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these phenomena,

Having considered the report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/71 and Add.1),

Encouraging the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention in the year 2000,

1. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

2. Also requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

3. Strongly encourages the Special Rapporteur to participate in the twenty-fifth session of the Working Group, in view of the importance of her contribution to its deliberations.

15. Traffic in human organs and tissues

The Working Group on Contemporary Forms of Slavery,

Concerned at serious information alleging that children and adults are victims of, or even abducted and killed for, the removal of organs for the purpose of commercial transplants and non-therapeutic research,

Taking note of Commission on Human Rights resolution 1999/46 in which the Commission again requested the Secretary-General to seek information about the reliability of allegations regarding the removal of organs and tissues of children and adults,

1. Urges States to take measures to investigate the seriousness of the information;

2. Decides to continue to give consideration to this issue at its next session.

16. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Concerned at the practice of incest and sexual abuse of children inside the family, which is a common and most morally repugnant form of slavery,

Aware that the collection of reliable and sufficient information on early marriages, incest and other issues by non-governmental organizations is a time-consuming process,

Taking note of the information received in this regard concerning the activities of religious and other sects and the reaction of one of them,

Concerned at the practice of illegal adoption or pseudo-legal adoptions aimed at the exploitation of children, and having considered the information received concerning cases of children adopted for commercial purposes or any other form of traffic,

1. Urges States to take adequate steps better to regulate and monitor intercountry adoptions, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and by enacting appropriate laws to enforce its provisions;

2. Decides to continue the consideration on a biennial basis of issues such as incest, early marriages, forced marriages, including the consideration of ways to combat incest and sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices;

3. Also decides to continue the consideration of the issue of religious and other sects at its next session;

4. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to their replies being considered at forthcoming sessions of the Working Group;

5. Appeals to all Governments to send observers to the meetings of the Working Group;

6. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

7. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination

against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

8. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

9. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

10. Again welcomes the adoption by the Commission on Human Rights of resolutions 1996/61 of 23 April 1996 and 1999/46 of 27 April 1999, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

11. Again requests the Secretary-General to designate the Office of the High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

12. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

13. Recommends that the Sub-Commission, in arranging its agenda, make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex I

PROVISIONAL AGENDA OF THE TWENTY-FIFTH SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Bonded labour and debt bondage.

4. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption and the consideration of international debt as promoting factors of contemporary forms of slavery:

   (a) Economic exploitation:

      (i) Domestic and migrant workers;

      (ii) Child labour;

      (iii) Forced labour;

   (b) Sexual exploitation:

      (i) Suppression of the traffic in persons and the exploitation of the prostitution of others;

      (ii) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography.

6. Other forms of exploitation:

   (a) Illegal activities of certain religious and other sects;

   (b) Illegal and pseudo-legal adoptions aimed at exploitation of children;

   (c) Traffic in human organs and tissues;

   (d) Activities of the Special Rapporteur on violence against women;

(e) Paedophilia;

(f) Miscellaneous: forced marriages, slavery-like practices in armed conflicts.

7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

8. Adoption of the report of the Working Group to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-fifth session.

Annex II

RECOMMENDATIONS OF THE NGO CONSULTATION WITH THE UNITED NATIONS AND INTERGOVERNMENTAL ORGANIZATIONS ON TRAFFICKING IN PERSONS, PROSTITUTION AND THE GLOBAL SEX INDUSTRY

I. BASIC PRINCIPLES TO BE OBSERVED AT ALL LEVELS

1. In any legislative, administrative or other measures taken at the national, regional or international level, it should be ensured that the principles listed below are strictly observed:

- that the protection of the human rights and dignity of trafficked persons and persons in prostitution should be given the highest priority;

- that trafficked persons should not be criminalized for the illegality of their entry or residence in countries of transit and destination, or for the activities they perform as a consequence of their status as trafficked persons;

- that the true criminals should be effectively prosecuted and penalized, without compromising the rights of the victims;

- that a comprehensive programme of action should be prepared and launched at all levels, including preventive measures addressing the root and immediate causes of trafficking in persons;

- that sexism, racism, and all forms of discrimination based on gender, ethnicity, class, poverty, or ambiguity or lack of citizenship manifested in the operation of the global sex industry and often in the treatment of trafficked persons and persons in prostitution by the authorities should be eliminated.

II. MEASURES AND MECHANISMS AT THE NATIONAL LEVEL

2. Each State should formulate a national plan of action which should:

- be comprehensive, consisting of the legislative and administrative measures that address issues ranging from social and economic root causes to the empowerment of victims;

- specify goals and timetables to attain them;

- always include a system of periodic review and of individual reporting by victims and by their supporters;

- be based on data collection, research and analysis;

- be accompanied by the allocation of necessary financial and human resources.

3. Governments should ensure:

- that national laws ensure the decriminalization of the victims;

- that trafficked persons and persons in prostitution, including those with "illegal" immigration status, are granted protection; the necessary physical and mental care should be made available by the authorities of the involved countries;

- that free legal and other assistance is provided to trafficked persons and persons in prostitution in the course of any criminal, civil and other action against traffickers and those who violate the human rights of trafficked persons and persons in prostitution, including a temporary or permanent residence permit and a safe shelter;

- that legal and judicial procedures are victim-sensitive and that trafficked persons and persons in prostitution and their family members are protected from re-victimization, stigmatization, and reprisal by perpetrators, authorities and others through legal and administrative measures including training, in cooperation with NGOs, of police and immigration officers, medical personnel and other law enforcement and judicial officials at all levels;

- that national laws are enacted or revised to allow for the investigation and prosecution of any violation of the human rights of trafficked persons and persons in prostitution, including non-nationals;

- that the voluntary and safe return of trafficked persons and persons in prostitution is guaranteed instead of forced "repatriation";

- that children are registered and granted citizenship at birth so that, in the event they are trafficked, they may exercise their rights to return to their home countries without difficulties;

- that they provide education and alternative job opportunities for women through effective development and poverty alleviation programmes.

III. STRENGTHENING OF THE INTERNATIONAL SYSTEM

- Declaration of a United Nations year (eventually a decade) is strongly recommended by the consultation. Two titles were discussed: United Nations Year to Combat Trafficking in Persons and the Global Sex Industry; and United Nations Year to Suppress All Forms of Trafficking in Persons. There was disagreement on whic' focus would be most appropriate.

- A programme of cooperation between NGOs and intergovernmental organizations, particularly the relevant United Nations bodies and agencies, should be elaborated. Particular attention should be paid to women, children, minorities, indigenous peoples and other groups which are targets of discrimination and racism.

- Inter-agency cooperation and coordination should be strengthened and expanded within the United Nations and with agencies of regional bodies, in cooperation with NGOs.

- Cooperation between governmental and intergovernmental organizations and NGOs should be promoted, particularly in the areas of exchange of information, experience and research on the situation of trafficked persons and persons in prostitution, and joint action programmes on the situation of trafficked persons and persons in prostitution should be set up with clearly identified priorities for each region and subregion.

IV. MONITORING AND ENFORCEMENT MECHANISMS FOR INTERNATIONAL SYSTEMS

4. It is recommended:

(a) With respect to United Nations Charter-based mechanisms:

- that all the relevant bodies, such as the General Assembly, the Economic and Social Council and the Commission on Human Rights and its subsidiary organs, continue to pay close attention to the situation of trafficked persons and persons in prostitution, to assess the policies and practices of States, the relevant United Nations bodies and agencies and other international organizations as appropriate and commit themselves to taking suitable action, in collaboration with NGOs;

- that the Working Group on Contemporary Forms of Slavery continue to listen to the voices of trafficked persons and persons in prostitution, directly or indirectly through NGOs, by securing continued support from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery for their participation;

(b) With respect to United Nations treaty bodies:

- that the treaty bodies, such as the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, and the Committee on the Elimination of Racial Discrimination, focus on State practices and administrative measures concerning the situation of trafficked persons and persons in prostitution when examining States parties' reports;

- that a mechanism for specifically monitoring State practices in relation to trafficked persons and persons in prostitution be established within or under the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee.

(c) With respect to United Nations bodies:

- that the High Commissioner for Human Rights take stronger initiatives in organizing and promoting the cooperation and coordination of United Nations bodies and agencies whose activities have relevance to the issue of trafficking;

- that the High Commissioner continue to promote dialogue and collaboration between the United Nations and NGOs;

- that United Nations funds and funding agencies provide further assistance for relevant activities being carried out by NGOs at all levels.

V. NGO COOPERATION IN RESEARCH, DATA COLLECTION AND EXCHANGE OF INFORMATION

5. It is recommended:

- that NGOs gather first-hand information on the reality of exploitation and the situation of trafficked persons and persons in prostitution and provide recommendations to Governments and intergovernmental organizations for their proper and timely action;

- that exchange of information, experience and research be promoted so as to strengthen the capabilities of NGOs; NGOs must at all times respect the confidentiality of the information given by trafficked persons and persons in prostitution.

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